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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,147	01/31/2002	Michael R. Garrett	1662-50900 JMH (P00-3219)	8742
22879	7590	03/09/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			KOMOL, VAJIRACHAI	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,147

Applicant(s)

GARRETT ET AL

Examiner

Vajirachai Komol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1- 2 and 5 - 17 are rejected under 35 U.S.C. 103[a] as being unpatentable over applicants admitted prior art [AAPA] in view of Barton [U.S. Pat. 5,502,840].

Regarding to claims 1 and 12, AAPR teaches a method accessing a Basic Input/Output System [BIOS] routine comprising:

- a BIOS routine, wherein the BIOS routine performs an operation on a shared variable [0004, lines 1 – 4];

However, AAPR does not explicitly teach:

- requesting exclusive ownership of the BIOS routine by a software stream;
- receiving an indication by the software stream of the results of the requesting step; and if the requesting exclusive ownership step is successful
- calling the BIOS routine by the software stream; and
- returning the BIOS routine by the software stream for use by other software streams.

Barton teaches:

- requesting exclusive ownership of a shared process by a requesting process [44, fig. 3A, col. 2, lines 36 – 39, col. 4, lines 14 - 22];
- if the requesting exclusive ownership step is successful, calling the shared process by the requesting process [52, 54, 56, 58, fig. 3A], wherein the

shared process performs an operation on a shared variable [inherent function performed by the shared process]; and

- returning the shared process by the requesting process for use by other process [col. 4, lines 54 – 62].

As such, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of AAPA and Barton because they both directed to the teaching of accessing a shared variable/process and Barton teaches the details of acquiring exclusive access to a shared process which is missing in the AAPR system.

A routineer in the art would clearly recognize that the step of receiving an indication by the requesting process is inherent in Barton's system because the system must somehow let the requesting process knows the status¹ of the decision block 52, fig. 3A.

Regarding to claim 7, as set forth above rejection, AAPR and Barton teach all the limitations of claims 1 and 12. However, AAPR does not explicitly show the details of the computer system, comprising:

- a microprocessor;
- a main memory array;
- a first bridge logic device coupling the microprocessor and main memory array;

¹ An indication Y [70, fig. 3A] indicates that the shared process is owned by another process.
or

An indication N [54, fig. 3A] indicates that the shared process is not owned by another process.

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- a second bridge logic device coupled to the first bridge logic device by way of a primary expansion bus; and
- a Read Only Memory [ROM] coupled to the second bridge logic device by way of a secondary expansion bus, the ROM storing Basic Input/Output System [BIOS] routines.

As such, a routineer in the art would clearly recognize that the above hardware and software are inherent in AAPR's system, and thus claim 7 is rejected with the same reasons as claims 1 and 12.

Regarding to claims 2, 9, 14 and 16, as set forth above rejection, AAPR and Barton teach all the limitations of claims 1, 7, 13 and 12. Barton further teaches receiving an open handle by the software stream if the requesting exclusive ownership step is successful [52, 54, 56, 58, fig. 3A].

Regarding to claim 5, as set forth above rejection, AAPR and Barton teach all the limitations of claim 2. Barton further teaches closing a shared process by the requested process such that the other process may be granted exclusive ownership [col. 4, lines 54 – 62].

Regarding to claims 6, 10 and 17, as set forth above rejection, AAPR and Barton teach all the limitations of claims 5, 7 and 16. Barton further teaches closing the shared process by the requested process further comprises returning the open handle [col. 4,

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lines 54 – 62].

Regarding to claim 8, as set forth above rejection, AAPR and Barton teach all the limitations of claim 7. Barton further teaches that the requesting process requests ownership again if exclusive ownership is denied [col. 4, lines 23 – 26].

Regarding to claims 11 and 15, as set forth above, AAPR and Barton teach all the limitations of claims 7 and 13. Barton further teaches the requesting process receives an invalid handle to the shared process if the software stream is not granted exclusive ownership of the shared process [70, fig. 3A].

Regarding to claim 13, as set forth above rejection, AAPR and Barton teach all the limitations of claim 12. Barton further teaches opening the shared process by the requesting process to the exclusion of other processes further comprises requesting exclusive ownership of the shared process by the requesting process [44, 48, 52, 54, 56, fig. 3A].

2. Claims 3 - 4 are rejected under 35 U.S.C. 103[a] as being unpatentable over applicants admitted prior art [AAPR] in view of Barton [U.S. Pat. 5,502,840] and further in view of Tavallaei et al [hereinafter Tavallaei], U.S. Pat. 6,134,579.

Regarding to claim 3, as set forth above rejection, AAPR and Barton teach all the limitations of claim 2. However, neither AAPR nor Barton teaches receiving a number

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representing a valid handle by the software stream if the requesting exclusive ownership step is successful. Specifically, if the requesting exclusive ownership step is successful [54, fig. 3A], Barton will return a character ['N'].

Tavallaei teaches receiving a number representing a valid handle by the software steam if the requesting exclusive ownership step is successful [col. 9 lines 16-17].

As such, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Barton and Tavallaei because they both directed to the teaching of requesting exclusive ownership/access to a resource and Tavallaei teaches the details of returning a number if the requesting step is successful.

Regarding to claim 4, as set forth above rejection, AAPR and Barton teach all the limitations of claim 2. However, neither AAPR nor Barton teaches receiving a number representing an invalid handle by the software stream if the requesting exclusive ownership step is unsuccessful. Specifically, if the requesting exclusive ownership step is unsuccessful [70, fig. 3A], Barton will return a character ['Y'].

Tavallaei teaches receiving a number representing an invalid handle by the software steam if the requesting exclusive ownership step is unsuccessful [col. 9 lines 12-16].

As such, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Barton and Tavallaei because they both directed to the teaching of requesting exclusive ownership/access to a resource and Tavallaei teaches the details of returning a number if the requesting step is unsuccessful.

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vajirachai Komol whose telephone number is (571) 272-5858. The examiner can normally be reached on 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER
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